

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

**IN RE: RONALD & BRENDA APPLEWHITE CASE NO: 17-14464
DEBTORS**

MOTION TO DISBURSE INSURANCE PROCEEDS

COME NOW, the debtors, by and through counsel, and request this honorable Court for an Order to allow for the disbursement of insurance proceeds based on the following:

1. On November 22, 2017, debtors filed a petition for relief under Chapter 13 of the Bankruptcy Code, identified as case number 17-14464.
2. The Chapter 13 Plan was confirmed on May 14, 2018.
3. The debtors Chapter 13 Plan provides for payment in full to Citizens Bank for the mortgage debt on their residence.
4. The debtors' residence was involved in a fire, destroying the house and all contents.
5. Debtors' insurance company has disbursed two checks to debtor. One check was for contents in the house in the amount of \$25,000.00. The other was for the total loss of their dwelling plus 5% debris removal in the amount of \$56,700.00.
6. Debtors filed amended Schedules A/B and C on October 28, 2019, claiming the \$25,000.00 in contents exempt pursuant to M.C.A. §85-3-1(h) and claimed a total homestead exemption in their residence of \$75,000.00 pursuant to M.C.A. §85-3-21. This results in all sources of the insurance proceeds being

exempt and not property of the bankruptcy estate pursuant to U.S.C §522.

7. The remaining amount owed to Citizens Bank for the mortgage debt on debtors' residence is \$17,509.37. Debtors request this Court enter an order allowing them to pay Citizens Bank the remaining amount owed on this claim of \$17,509.37 plus interest owed through the plan. This will be paid through the Office of the Chapter 13 Trustee and, upon payment, Citizens Bank shall release the deed of trust on the property.

8. The insurance check is made out to debtors, debtors' son and Citizens Bank. Debtors request Citizens Bank endorse the check after entry of the order granting this motion so it may then be forwarded to the Office of the Chapter 13 Trustee so funds may be disbursed in accordance with this Court's order.

WHEREFORE, debtors respectfully request this Court enter an ORDER allowing them to pay Citizens Bank the remaining amount owed on this claim of \$17,509.37 through the plan and Citizens Bank release the deed of trust on the property and for any further relief this Court deems necessary under the circumstances.

Respectfully submitted,

BY: /s/ William L. Fava
WILLIAM L. FAVA (MSB #101348)
Attorney for Debtors

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CERTIFICATE OF SERVICE

I, William L. Fava, Attorney for the debtors, do hereby certify that I have this day mailed, by United States mail, postage prepaid, a true and correct copy of the above and foregoing Motion to the following:

Locke D. Barkley
Via ECF at sbeasley@barkley13.com

U.S. Trustee
Via ECF at USTPRegion05.AB.ECF@usdoj.gov

All Parties on Matrix

SO CERTIFIED on this the 8th day of November 2019.

/s/William L. Fava
WILLIAM L. FAVA
Attorney at Law

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